IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4122 OF 2004.
IN
CRIMINAL APPEAL NO.1343 OF 2004.

Nazim Hassan Shamsu
Zoha Rizvi. ..Applicant.

VERSUS.

State of Maharashtra ..Respondent.

...

Mr. Sayaji D. Nangre with Renuka Laxmeswar for the applicant.

Mrs. Rohini Salian, Spl. A.P.P. for the respondent.

CORAM: V.M.KANADE,J.

DATE : OCTOBER 1, 2004.

P.C.:-

1. By this application the applicant seeks permission to travel to Delhi for a period of two months from 1.10.2004 to 30.11.2004 for the purpose of engaging an Advocate and remaining present before the Supreme Court of India at the time of hearing of the Special Leave Petition (Criminal) 4094 of 2004 which is filed by the State of Maharashtra against the judgment and order passed by this court in Criminal Application No. 5181 of 2003 in Criminal Appeal No. 1343 of 2003. By the said order this court had imposed a condition that the applicant should

not leave the jurisdiction of this court without taking leave of this court. In view of the said condition which is imposed by this court, the applicant has filed this present application seeking leave to travel to Delhi for the purpose of engaging an Advocate and remaining present in the Apex Court. A similar application was also made by the applicant in Miscellaneous Application No. 1157 of 2004 for travelling to Delhi in order to make arrangements for the wedding ceremony of his daughter which was to take place at Delhi. This application was granted on 9.3.20004 subject to certain terms and conditions which were imposed by this court in the said order. The applicant has annexed his Itinerary and has also stated his address where he would be residing at Delhi. The learned APP appearing on behalf of the State has stated that the applicant should also report to Preet Vihar police station, Khureji, Delhi once in a week, the applicant should report to the Crime Branch, Mumbai after his return from the Delhi. She has further submitted that the Supreme Court will be on vacation on two occasions in October and November 2004, during this period the applicant should return to Mumbai. Learned counsel appearing on behalf of the applicant submitted that the applicant shall return to Mumbai during the two vacation periods, viz., 18th October 2004 to 23rd October 2004 and 8th November 2004 to 13th November 2004. He shall also

report to the Preet Vihar Police Station. In view of the said undertaking given by the applicant, application is allowed in terms of prayer clause (a) on the condition that the applicant reports to the Preet Vihar Police Station once in a week and shall report to the Crime Branch, Mumbai after he returns back to Mumbai. He shall also furnish a copy of itinerary to the Crime Branch of his stay in Delhi. He shall also report to the Crime Branch before his departure to New Delhi. On these terms and conditions, the application is allowed in terms of pryaer caluse (a).

. All concerned to act on an ordinary copy of this order duly authenticated by the Sheristedar of this Court.

(V.M.KANADE,J.)